TEN CONSERVATIVE REFORMS
IN THE IMMIGRATION BILL

1. BORDER SECURITY IMPROVEMENTS ARE GUARANTEED BY MAKING THEM A "TRIGGER" FOR OTHER REFORMS. The bill contains new border security benchmarks that must be met before the temporary worker program goes into effect and before any Z visa is issued. Those benchmarks include border patrol agent hiring, fencing, vehicle barriers, and additional specific enforcement tools.

> Improvements over current law: Congress has previously authorized border security improvements, but this is the first bill that *guarantees* they will be implemented.

> Comparison to last year's bill: Last year, the Senate rejected the Isakson amendment to include border security "triggers" in that legislation.

2. PEOPLE ENTERING THE UNITED STATES ILLEGALLY WILL FACE NEW CRIMINAL PENALTIES. The bill makes entering the United States illegally a criminal offense punishable by fines and imprisonment. The bill would increase maximum sentences with each repeat offense and would be higher for aliens with criminal records. As amended by the Graham amendment, the bill also provides mandatory minimum criminal penalties for aliens who have previously been denied admission to or removed from the United States. For such offenders, the bill provides for at least 60 days in prison, with sentences increasing to as many as 20 years in prison.

> Improvements over current law: Under current law, entering the United States illegally is punishable only by a civil penalty; imprisonment is not permitted.

> Comparison to last year's bill: Nothing in last year's bill increased penalties for illegal entry into the United States.

3. NEW ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM WILL ELIMINATE THE "JOB MAGNET" THAT CAUSES ILLEGAL IMMIGRATION. This bill will make it extremely difficult for illegal workers to gain legitimate employment. All employers would be required to submit each worker's government-issued identity documents to an Employment Eligibility Verification System (EEVS) which will notify the employer whether the employee is eligible to work. The EEVS will use state identity or REAL ID driver's license databases and appropriate Social Security information to ensure that only legal workers are being hired. *Like the border security improvements, this new EEVS must be fully operational before either the temporary worker program or Z visa issuances can occur.*

> Improvements over current law: Employers are not required to use an electronic employment verification system today, and fraud and inefficiency are rampant in the current paper-based system.

> Comparison to last year's bill: Last year's bill contained an EEVS that was criticized in part for its lack of information sharing between DHS and the Social Security Administration.

4. THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM INCLUDES STRONG ANTI-FRAUD PROTECTIONS. The bill's verification system ensures that both the identity and work authorization of every employee are checked in a manner that maximizes protections against fraudulent documents. The new system relies on combinations of fraud-resistant documents such as, for example, REAL ID-compliant driver's licenses and U.S. passports. And by querying state databases across the nation, the system ensures that the job applicant is who he says he is and that he is authorized to work in the United States.

> Improvements over current law: The current verification system is paper-based (I-9 forms) and inefficiently executed. According to the Congressional Research Service, *"There is general agreement that the I-9 process has been undermined by fraud."*

> Comparison to last year's bill: This bill contains stronger safeguards against fraudulent documents and identity theft, gives the states the resources they need to issue REAL ID-compliant driver's licenses, and allows information sharing between DHS and the Social Security Administration.

5. A MERIT-BASED SYSTEM FOR FUTURE IMMIGRANTS WILL ENHANCE AMERICAN COMPETITIVENESS. This bill requires future immigrants to qualify based on three primary categories: education level, job skills that the U.S. economy needs, and English language proficiency. This merit-based system will allow the U.S. to better compete in the global economy by attracting the best and brightest to immigrate and become productive Americans.

> Improvements over current law: Current law gives little value to education, job skills, and language proficiency.

> Comparison to last year's bill: Made no improvements to our future immigration system.

6. "CHAIN MIGRATION" FOR EXTENDED FAMILIES WILL END. This bill corrects a flaw in our immigration system – chain migration – which has which has created an imbalance in our system vis-à-vis our global competitors by favoring extended family over those who come here to work productively. Under this bill, immigrants will still be able to bring their immediate, nuclear families (spouse and children), but other individuals who wish to immigrate must qualify on their own merit.

> Improvements over current law: Current law gives heavy preferences to the extended families of current citizens and green card holders.

> Comparison to last year's bill: Made no improvements to our future immigration system.

7. A TEMPORARY WORKER PROGRAM WILL PROVIDE MUCH-NEEDED LABOR WHILE PROTECTING AMERICAN JOBS. This bill contains a "truly temporary" guest worker program. Americans must be given the first opportunity to fill jobs, and market forces will determine how many foreign workers are needed. Foreign workers must also leave the country for at least one year after a two-year work term before being able to renew.

> Improvements over current law: There is no large-scale temporary worker program under current law so many illegal aliens sneak across the border to take advantage of job opportunities.

> Comparison to last year's bill: Last year's bill had a guest worker program, but it was <u>not</u> truly temporary. Foreign workers had the right to stay indefinitely. The effect would have been to displace American workers in times of high unemployment.

8. A STEADY SUPPLY OF AGRICULTURAL WORKERS WILL BE MADE AVAILABLE. The bill provides a consistent supply of temporary labor necessary for the agriculture industry by authorizing renewable seasonal agricultural work visas. Agricultural workers would not gain an automatic path to citizenship but could apply for green cards under the new merit-based immigration system.

> Improvements over current law: The current H2A program has been criticized as complex, slow, and insufficient to meet labor needs. The failure of this program has led many in the agriculture industry to rely on illegal workers.

> Comparison to last year's bill: Last year's bill provided agriculture workers with green cards after just three years of work in the United States, thus making this temporary "work" program another path to citizenship.

9. ILLEGAL ALIENS IN THE UNITED STATES WILL BE PUNISHED. The legislation provides considerable fines to penalize those who entered the country illegally. To obtain a Z visa and temporary worker status, each worker must pay a $1,000 fine, with an additional $500 fine per dependent. Those wishing to apply for permanent status must pay an additional $4,000 fine.

> Improvements over current law: Illegal aliens are subject to removal, but it has proven impractical to remove the estimated 12 million aliens in the nation.

> Comparison to last year's bill: According to the Congressional Budget Office, "[a]pplicants for conditional nonimmigrant visas would have to pay fees and fines totaling $900 to $2,400, depending on how long they have been in the United States."

10. ALL CURRENT ILLEGAL ALIENS MUST REMAIN EMPLOYED TO PREVENT DEPORTATION. This bill imposes strict work requirements on all illegal aliens seeking Z visas or permanent residence. All Z visa applicants must demonstrate that they are currently employed. And when seeking subsequent renewals of their 4-year Z visas, they must show that they have been continuously employed during the preceding period.

> Improvements over current law: Current law imposes no work requirements on those who are here illegally.

> Comparison to last year's bill: Last year's bill required that illegal immigrants who had been in the country for more than 5 years demonstrate that they had worked for 3 years. They would then have had to work 6 years after the bill's enactment to obtain a green card.